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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK


-----X  
MITSUBISHI INTERNATIONAL :  
CORPORATION, : 08 CV 00194 (JSR) (GWG)  
 :  
Plaintiff, : **AFFIDAVIT**  
 :  
-against- :  
 : ECF Case  
INTERSTATE CHEMICAL CORPORATION, :  
 :  
Defendant. :  
-----X

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

AMY C. GROSS, being duly sworn, deposes and says:

1. I am an attorney at Kornstein Veisz Wexler & Pollard, LLP, counsel for the plaintiff in this action, Mitsubishi International Corporation ("MIC"). I have personal knowledge of the facts set forth in this affidavit, which I make in further support of plaintiff's motion for summary judgment.

2. A copy of the initial disclosures of defendant  
Interstate Chemical Corporation is annexed hereto as Exhibit Q.

  
\_\_\_\_\_  
AMY C. GROSS

Sworn to this 2<sup>nd</sup>  
day of September, 2008

  
\_\_\_\_\_  
Notary Public

BABETTE D. FORTUNE  
Notary Public, State of New York  
No. 01FO6016548  
Qualified in New York County  
Commission Expires 11/23/2010

# **Exhibit Q**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MITSUBISHI INTERNATIONAL CORPORATION,

Plaintiff,

-against-

INTERSTATE CHEMICAL CORPORATION,

Defendant.

08 Civ. 00194 (JSR)(GWG)

**INITIAL DISCLOSURES**

Defendant Interstate Chemical Corporation ("Interstate") hereby makes the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

Interstate makes these disclosures without waiving any claim of privilege or work product protection, any objections to the discoverability of information, or any other exemptions from disclosure or discovery.

Interstate reserves the right to supplement these Initial Disclosures at a later date pursuant to Rule 26(e).

**1. Fed.R.Civ.P. 26(a)(1)(A)**

Persons likely to have discoverable information that Interstate may use to support its defenses:

- A. Dr. Al Puntureri  
Interstate Chemical Corporation  
c/o Simon•Lesser PC  
420 Lexington Avenue  
New York, New York 10170  
212.599.5455

Dr. Puntureri has discoverable information concerning Interstate's defenses to plaintiff's claims.

B. Lori Cirillo  
Interstate Chemical Corporation  
c/o Simon•Lesser PC  
420 Lexington Avenue  
New York, New York 10170  
212.599.5455

Ms. Cirillo has discoverable information concerning Interstate's defenses to plaintiff's claims.

C. Zack Ferguson-Steger  
Mitsubishi International Corporation  
c/o Kornstein Veisz Wexler & Pollard LLP  
757 Third Avenue  
New York, New York 10017

Mr. Ferguson-Steger has discoverable information concerning Interstate's defenses to plaintiff's claims.

D. Thomas Reszler  
Mitsubishi International Corporation  
c/o Kornstein Veisz Wexler & Pollard LLP  
757 Third Avenue  
New York, New York 10017

Mr. Reszler has discoverable information concerning Interstate's defenses to plaintiff's claims.

E. Kathy Flood  
Mitsubishi International Corporation  
c/o Kornstein Veisz Wexler & Pollard LLP  
757 Third Avenue  
New York, New York 10017

Ms. Flood has discoverable information concerning Interstate's defenses to plaintiff's claims.

F. Kevin Fallon  
Mitsubishi International Corporation  
c/o Kornstein Veisz Wexler & Pollard LLP  
757 Third Avenue  
New York, New York 10017

Mr. Fallon has discoverable information concerning Interstate's defenses to plaintiff's claims.

G. Steve Elliot  
Tauber Petrochemical Company  
55 Waugh Drive  
Houston, Texas 77007

Mr. Elliot has discoverable information concerning Interstate's defenses to plaintiff's claims.

2. **Fed.R.Civ.P. 26(a)(1)(B)**

Interstate is in possession of the following categories of documents relating to its defenses to plaintiff's claims:

- A. Correspondence between the parties concerning the transaction as alleged in the complaint.
- B. Correspondence and documents concerning the parties' course of dealing.
- C. Correspondence concerning the coast guard restrictions disclosed by Interstate to plaintiff in December, 2007.
- D. Documents concerning the market price for Methanol.

3. **Fed.R.Civ.P. 26(a)(1)(C)**

Not applicable.

4. Fed.R.Civ.P. 26(a)(1)(D)

Not applicable.

Dated: New York, New York  
March 19, 2008

SIMON•LESSER/PC

By: 

Leonard F. Lesser, Esq.

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New York, New York 10170

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Attorneys for defendant Interstate Chemical  
Corporation